THE CASE Of the Two ABSOLVERS THAT

Were Tryed at the *Kings-Bench-Bar*, at *Westminster*, on *Thursday* the 2d of *July* 1696.

For giving

ABSOLUTION AT

The place of EXECUTION TO

Sir *John Friend* and Sir *William Parkens*.

I. FOR a Minister of the Church of *England* to give Absolution to a dying Penitent, if he humbly and heartily desire it, is a lawful Act, as appears by the Rubrick in the Office for the Visitation of the Sick; which is not only confirm'd by, but a part of the Act of Uniformity.

BODLEIANA BIBLIOTHECA

II. There being no particular Office appointed in the Liturgy for Perſons to be Executed (whoſe Souls are as precious, and as much to be taken care of, as the Souls of thoſe who dye in their Beds) that for the Viſitation of the Sick, which by parity of Reaſon is farely applicable to the caſe of Perſons to be Executed, who are to be conſider'd as dying Men muſt be uſed, or none at all in their Caſe; unleſs the Miniſters officiating are left to the liberty of Extemporary Effuſions, which rather become a Calviniſtical Elder, than a Presbyter of the Church of *England*. And why is it not as juſtifiable to uſe the Office for the Viſitation of the Sick in the Caſe of Perſons to be Executed, as to uſe the Prayer in that Office Publickly in Churches in behalf of the Sick, which are appointed by the Rubrick to be uſed in the ſick Perſons Chamber; for which only neceſſity, and a defect in the Liturgy is pleaded?

III. The Circumſtances of time and place and Ceremony being entirely left by the Rubrick (where there is neither Command nor Prohibition concerning them) to the diſcretion and choice of the Miniſters Abſolving, and the Penitent to be Abſolved; how could it be Criminal in the Abſolvers of Sir *J. F.* and Sir *W. P.* to give them Abſolution with Impoſition of Hands at the place of Execution, which they deſir'd as a comfortable Support under the Terrors of Death, as a *Viaticum* in their Paſſage to Eternity?

IV. 'Tis entirely left to the Abſolving Miniſter to judge of the Spiritual ſtate of his Penitent, whether he be duely qualified, or not, to receive Abſolution.——*Vid.* Rubrick, *ut ſupra.*

V. The

V. The Miniſter Abſolving is to reſt Satisfied with an Account of the general Repentance of the Perſon to be Abſolved, who is not obliged to make a particular and ſpecial Confeſſion of his Sins to the Abſolver, unleſs he feel his Conſcience troubled with any weighty matter; as appears by the Rubrick, *ut ſupra.* To affirm the contrary, is to plead for Auricular Confeſſion, as 'tis taught and practiſed in the Church of *Rome.*

VI. If the Perſon to be Abſolved makes a ſpecial voluntary Confeſſion of his Sins, the Abſolver is bound by the Canon to conceal it, and keep it a Secret from all the World. *Vid.* 113. *Can.* If it be Objected that in caſe of a Treaſonable Conſpiracy which the Penitent confeſſes, the Abſolver is not bound to conceal it, it may be anſwer'd, that in the Caſe of Sir *J. F.* and Sir *W. P.* there was no treaſonable Conſpiracy ſo pretended or laid to their charge, but what was diſcovered and made publick, and which they were Convicted of.

VII. Suppoſe, that after the Death of the Abſolved Penitent, who dies in his Bed by the Viſitation of God, a Paper ſhould be publiſhed under his own Hand (which the Abſolver knew nothing of) whereby it appears that he was Guilty of *Hereſy* in the Church, and Treaſon in the State, and that he juſtified both the one and the other: Shall this affect the Abſolver, and make him a Criminal in giving Abſolvtion? If not, then, with Submiſſion, neither could the Paper left by Sir *J. F.* and Sir *W. P.* with the Sheriff, and afterwards publiſhed, which the Abſolvers were altogether Strangers to, any ways affect the ſaid Abſolvers, or render them Criminals in giving them Abſolution.

VIII. Sup-

VIII. Suppoſe that Sir *J. F.* and Sir *W. P.* had left no Paper with the Sheriff, and none had been publiſhed after their Death; 'tis preſum'd then that the Abſolvers would not have been Queſtioned, or Cenſur'd for giving them Abſolution.

IX. Nay farther, ſuppoſe that Sir *J. F.* and Sir *W. P.* had left a Paper with the Sheriff, which he had afterwards publiſh'd, acknowledging their Guilt, and ſignifying their Repentance as to that particular Crime which they were Convicted of; then 'tis preſum'd that the Abſolution would have been ſo far from being Cenſur'd for giving them Abſolution, that it would have been generally agreed to be a Charitable, regular and lawful Act. And if it was in it ſelf a lawful Act at the time of the Performance of it, no ſubſequent Act or Circumſtance whatſoever, which the Abſolvers were Strangers to, would make it unlawful. Nothing could make it unlawful *à parte poſt*, which was a lawful Act *à parte ante*. But if it was in it ſelf an unlawfull Act at the time of the performance of it, no ſubſequent Act or Circumſtance whatſoever; how grateful ſoever to the Government, as in the before mention'd inſtance, could make it lawful.

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LONDON: Printed in the Year 1696.